

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA M. JOHNSON,

Plaintiff,

v.

AMBER MILLER, et al.,

Defendants.

CASE NO. C21-5539 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 23, and Plaintiff Brenda Johnson’s objections to the R&R, Dkt. 24.

Johnson initiated this matter in July 2021 and seeks to proceed *in forma pauperis* (“IFP”). Upon a review of Johnson’s proposed complaint, Judge Creatura ordered Johnson to show cause or amend the complaint due to illegibility and for failing to state a claim upon which relief could be granted. Dkt. 12. Johnson filed a proposed amended complaint, naming seven defendants and asserting that the Court has federal question jurisdiction over her claims, which appear to be predicated upon a landlord-tenant dispute. Dkt. 14.

1 On September 22, 2021, Judge Creatura issued the instant R&R, recommending
2 that the Court deny Johnson's motion to proceed IFP and dismiss the matter without
3 prejudice. Dkt. 23. The R&R concluded that Johnson's proposed amended complaint
4 again failed to state a claim upon which relief could be granted and that, because Johnson
5 had a previous opportunity to amend, providing another opportunity to amend would be
6 futile. *Id.* On September 24, 2021, Johnson filed objections to the R&R. Dkt. 24.

7 The district judge must determine de novo any part of the magistrate judge's
8 disposition that has been properly objected to. The district judge may accept, reject, or
9 modify the recommended disposition; receive further evidence; or return the matter to the
10 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

11 Johnson objects to the R&R's recommendation to deny her motion to proceed IFP
12 in part because she has been granted IFP in other cases. Dkt. 24 at 1. But IFP status is
13 unique to each case, and the Court shall dismiss the case if it determines that the action
14 fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B).
15 Johnson further objects because she did not consent to a Magistrate Judge presiding over
16 court proceedings. Dkt. 24 at 1. The Local Rules allow for Magistrate Judges to rule upon
17 applications to proceed IFP. MJR 1(h). The remainder of Johnson's objections are not
18 specific to the R&R. "Courts are not obligated to review vague or generalized objections
19 to an R&R; a petitioner must provide specific written objections." *Ybarra v. Martel*, No.
20 09cv1188-LAB (AJB), 2011 WL 613380, at *1 (S.D. Cal. Feb. 11, 2011). The Court
21 agrees with the R&R that Johnson's proposed amended complaint fails to state a claim
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1 upon which relief may be granted and that allowing for an additional amendment would
2 be futile.

3 The Court having considered the R&R, Plaintiff's objections, and the remaining
4 record, does hereby find and order as follows:

- 5 (1) The R&R is **ADOPTED**;
- 6 (2) Plaintiff's motion to proceed *in forma pauperis* is **DENIED**;
- 7 (3) This case is **DISMISSED without prejudice**; and
- 8 (4) The Clerk shall enter a JUDGMENT and close the case.

9 Dated this 15th day of November, 2021.

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12 BENJAMIN H. SETTLE
United States District Judge

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